

**REMARKS**

Claims 1-10 have been examined and have been rejected under 35 U.S.C. § 112, second paragraph.

**I. Preliminary Matters**

The Examiner has returned an initialed PTO 1449 form for the September 29, 2003 Information Disclosure Statement. Applicant notes that the Examiner did not initial the Padget '729 reference. Applicant assumes, however, that the Examiner considered the Padget '729 reference, since it is listed on the PTO 892 form included with the Office Action. Applicant respectfully requests the Examiner to confirm Applicant's understanding.

The Examiner has not acknowledged the Information Disclosure Statement filed on November 17, 2003. Accordingly, Applicant respectfully requests the Examiner to acknowledge the November 17, 2003 Information Disclosure Statement, by returning the initialed PTO 1449 form with the next Office Action.

Also, the Examiner has not acknowledged the claim to foreign priority. Accordingly, Applicant respectfully requests the Examiner to acknowledge, in the next Office Action, the claim to foreign priority by checking the appropriate boxes on the Office Action Summary.

**II. Drawing Objections**

The Examiner has objected to the drawings as not showing every feature of the invention specified in the claims. In particular, the Examiner maintains that the claimed first and second

portion of the hopper are not shown in the figures. Accordingly, Applicant has amended Fig. 1 to add reference numerals for the claimed first and second portions (i.e. 3a and 3b).

### **III. Rejection under 35 U.S.C. § 112, second paragraph**

Claims 1-10 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

In regard to claims 1, 8, 9 and 10, the Examiner maintains that the Applicant has not defined the “stacking direction of the plurality of sheets of paper,” and the “non-stacking direction of the plurality of sheets of paper.” Accordingly, Applicant has amended the specification to include a brief disclosure of the proposed drawing correction of Fig. 1 (i.e. which labels the first and second portion of the hopper).

Since one portion of the hopper supports sheets in a stacking direction and the other portion supports sheets in a non-stacking direction, Applicant submits that the proposed drawing correction, in view of the minor amendment to the specification, adequately defines a non-limiting embodiment of the stacking direction and non-stacking direction of the sheets of paper. Applicant notes that the amendments to the specification provides reference numerals and a brief disclosure for features shown in Fig. 1, but not previously described, such that Fig. 1, as filed, provides support for the amendments (i.e. the amendments do not constitute new matter).

Further, Applicant notes that the Examiner has not provided any prior art rejections in the current Office Action. Applicant assumes the Examiner did not provide any prior art rejections due to the rejections under 35 U.S.C. § 112, second paragraph. However, in accordance with MPEP §2173.06, Applicant believes that the Examiner should have set forth appropriate prior art rejections. Accordingly, Applicant submits that any subsequent Office Action should be on a non-final basis.

Also, Applicant has canceled claim 4, without prejudice or disclaimer. Therefore, Applicant submits that the rejection of such claim is now moot.

#### **IV. Newly Added Claims**

Applicant has added claims 11-13 to provide more varied protection for the present invention.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/671,556

overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: September 28, 2004

Amendment under 37 C.F.R. § 1.111  
U.S. Application No. 10/671,556

**AMENDMENTS TO THE DRAWINGS**

Applicant is submitting 1 sheet of marked up drawings, as requested by the Examiner.

Attachment: 1 sheet Annotated Marked-Up Drawing(s)